

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 96-074-S - ORDER NO. 96-407  
JUNE 12, 1996

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IN RE: Joint Petition of Kiawah Island Utility,	)	ORDER
Inc. and the Town of Kiawah for Approval	)	GRANTING
of Eugenia Avenue Sewer Main Extension	)	REQUEST TO
Agreement.	)	WITHDRAW

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of Kiawah Island Utility, Inc. (Kiawah or the Company) to be allowed to withdraw its Petition. Previously, the Commission had been asked to approve a contract form for the provision of sewer service on Eugenia Avenue on Kiawah Island. A letter from counsel reveals that there is a problem with the timing of the construction project. Although the contractor still stands by its bid price, it is no longer able to construct the project due to the timing of the construction. The Company states that it cannot legally hold the contractor to its bid, since the request of constructing the project in two phases was not part of the original bid, and was agreed to only as an accommodation to the Company to satisfy the property owners.

According to the Company, it now has to look at the second bid presented in the case. The cost significantly exceeds the project cost as set forth in the original Petition. Therefore,

counsel states that it has no choice but to request a withdrawal of the Petition at this time, due to this change in circumstances. The cost testified to at the hearing is no longer valid, because of the inability of the low bidder to construct the project as proposed by the Company. The Company therefore asks that it be allowed to withdraw its Petition.

The Commission has examined this matter, and believes that the request must be granted. Clearly, there is no alternative but to allow Kiawah to withdraw its request for approval of the contract form at this time, based on the above-stated circumstances.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)